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United Way of the Bay Area

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE CHEN,

No. C-07-02785-WHA (JCS)

Plaintiff,

VS.

UNITED WAY OF THE BAY AREA and,
and DOES 1-10 inclusive,

Defendants.

**DECLARATION OF ERIC MCDONNELL
IN SUPPORT OF DEFENDANT'S MOTION
TO COMPEL ARBITRATION OF
PLAINTIFF'S SECOND CAUSE OF
ACTION FOR LIBEL**

Date: August 9, 2007
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

Complaint filed: April 26, 2007
Trial date: None set yet

1 I, Eric McDonnell, declare:

2 1. I am an Executive Vice President of defendant United Way of the Bay Area ("United
 3 Way"). I make this declaration in support of United Way's motion to compel arbitration of plaintiff
 4 George Chen's second cause of action for libel. I have personal knowledge of the facts set forth in this
 5 declaration and could and would competently testify to them under oath if called as a witness.

6 2. United Way is one of the largest private funders of health and human services in
 7 Northern California and philanthropic partner to individuals and businesses, and the non-profit
 8 community. For more than 80 years, United Way has pursued its mission to be the catalyst that enables
 9 people to strengthen their communities by investing in one another. United Way serves Alameda,
 10 Contra Costa, Marin, Napa, San Francisco, San Mateo, and Solano Counties.

11 3. During the period 1993-99, plaintiff George Chen served as a volunteer member of
 12 United Way's Finance Committee. In that capacity, Mr. Chen became familiar with United Way
 13 executives and its operations, and became closely involved with the agency's finances.

14 4. In or about April 2001, Mr. Chen applied for a senior executive position with United
 15 Way. Attached to this declaration as Exhibit A is a true copy of Mr. Chen's job application materials,
 16 which include his application and his résumé.

17 5. After his interviews went well, on May 9, 2001, United Way extended to Mr. Chen a
 18 written offer of employment as its Senior Vice President and Director, Finance and Administration,
 19 reporting to United Way Chief Executive Officer Anne Wilson. Attached to this declaration as Exhibit
 20 B is a true copy of Mr. Chen's offer letter.

21 6. Although the offer letter explicitly provided Mr. Chen the opportunity to seek
 22 modifications of its terms, Mr. Chen signed the letter on or about May 16, 2001, accepted United Way's
 23 offer, without seeking any changes.

24 7. Mr. Chen worked for United Way until August 26, 2006, when—after an investigation
 25 prompted by numerous employee complaints revealed a pattern of abusive conduct by Mr. Chen toward
 26 his staff—United Way terminated Mr. Chen's employment.

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1 Executed on July 3, 2007, at San Francisco, California.
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3 I declare under penalty of perjury that the foregoing is true and correct.

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6 Eric McDonnell
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